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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-498

13 **BEOMA JEAN BELL-CURRY,**
14 **aka BEOMA JEAN BELL-ERE,**
15 **aka BEOMA JEAN ERE**
16 **334 W. 63rd Street North**
17 **Tulsa, OK 74126**

A C C U S A T I O N

18 **Registered Nurse License No. 594395**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
24 Department of Consumer Affairs.

25 2. On or about February 6, 2002, the Board issued Registered Nurse License Number
26 594395 to Beoma Jean Bell-Curry, also known as Beoma Jean Bell-Ere and Beoma Jean Ere
27 ("Respondent"). Respondent's registered nurse license was in full force and effect at all times
28 relevant to the charges brought herein and will expire on December 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action . . .

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Oklahoma Board of Nursing)**

3 8. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the
5 Oklahoma Board of Nursing ("Oklahoma Board"), as follows: On or about September 27, 2011,
6 pursuant to the Stipulation, Settlement and Order in the disciplinary proceeding titled "In the
7 Matter of Beoma Jean Bel Ere, R.N.", the Oklahoma Board "severely reprimanded" Respondent's
8 license to practice registered nursing in the state of Oklahoma, and ordered her to pay an
9 administrative penalty of \$500 to the Board. Respondent stipulated and agreed that on or about
10 April 8, 2011, while working as a charge nurse on the 3:00 p.m. to 11:00 p.m. shift at Rest Haven
11 Care Center in Tulsa, Oklahoma ("Rest Haven"), Respondent was notified by N.L., a Certified
12 Medication Aide, that N.L. had administered Resident B.F.'s scheduled 5:00 p.m. medications to
13 Resident L.C. Respondent failed to notify Resident L.C.'s physician of the medication error,
14 failed to fill out a medication error report per Rest Haven policy, and failed to document the
15 medication error in Resident L.C.'s medical record. On April 13, 2011, Respondent was
16 terminated from Rest Haven. A true and correct copy of the Stipulation, Settlement and Order is
17 attached as **exhibit A** and incorporated herein.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 594395, issued to Beoma
22 Jean Bell-Curry, also known as Beoma Jean Bell-Ere and Beoma Jean Ere;

23 2. Ordering Beoma Jean Bell-Curry, also known as Beoma Jean Bell-Ere and Beoma
24 Jean Ere, to pay the Board of Registered Nursing the reasonable costs of the investigation and
25 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: December 18, 2012 *Louise R. Bailey*
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Stipulation, Settlement and Order

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF BEOMA JEAN BELL ERE, R.N.
LICENSE NO. R0029584

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 13th day of September, 2011, in the Conference Room of the Board Office, 2901 North Classen Boulevard, Suite 105, Oklahoma City, Oklahoma.

Michelle Pivacek, R.N., a Nurse Investigator with the Board, appears in person, and Beoma Jean Bell Ere, R.N., (hereinafter, "Respondent") appears in person without counsel before the Panel on this date. Respondent and the Nurse Investigator participated in an investigative conference on August 23, 2011, and subsequently consented to this Stipulation, Settlement and Order ("Order").

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0029584 issued by the Oklahoma Board of Nursing.

2. On or about April 8, 2011, the Respondent while working as a charge nurse on the 3:00 p.m. to 11:00 p.m. shift at Rest Haven Care Center in Tulsa, Oklahoma ("Rest Haven") was notified by N.L., a Certified Medication Aide that N.L. had administered Resident B.F.'s scheduled 5:00 p.m. medications to Resident L.C. The Respondent failed to notify Resident L.C.'s physician of the medication error and to fill out a medication error report, per Rest Haven policy. Further, the

Respondent failed to document the medication error in Resident L.C.'s medical record. On April 13, 2011 the Respondent was terminated from Rest Haven.

3. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

4. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

5. Respondent fully understands and agrees that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

7. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

8. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice registered nursing in the State of Oklahoma remain in effect, and that Respondent is disciplined as follows:

1. Respondent shall, within **ninety (90) days** from the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

2. Respondent shall, within **ninety (90) days** from receipt of this Order, successfully complete a course on **Critical Thinking, to include moral reasoning**. Respondent

shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet courses will not be approved. The target audience must include licensed nurses. The course must be a minimum of eight (8) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. The course must address how nurses use critical thinking skills to make patient care decisions based on the nursing process. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

3. Respondent shall, within **one hundred twenty (120) days** of receipt of this Order, successfully complete a course in **The Roles and Responsibilities of the Registered Nurse in Long Term Care, to include all applicable state and federal regulations**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet programs will not be approved. The target audience must include licensed nurses. The course must be a minimum of sixteen (16) contact hours in length. For approval the course content must include delegation, supervision, patient assessment, scope of practice of each discipline; and responsibilities related to reporting incidents. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

4. Within **sixty (60) days** from receipt of this Order, Respondent shall pay an **administrative penalty** payable to the Oklahoma Board of Nursing in the amount of **\$500.00**. The

administrative penalty shall be paid only by certified check, money order or cash.

IT IS FURTHER ORDERED, that in the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If the Respondent is served by a process server the Respondent agrees to reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service **within sixty (60) days of service of the process served Order**. The process service fee shall be paid only by certified check, money order or cash to the Board.

IT IS FURTHER ORDERED that the license to practice registered nursing held by Respondent is hereby **severely reprimanded**.

IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty, reimbursement of cost of process service, or written documentation by the due date, including but not limited to proof of successful completion of educational courses, will result in a three (3) month suspension of license. At the completion of the three month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance to the agency approval process or for referral to the Board. An Administrative penalty of \$500 for each violation of Respondent's Board Order shall be paid by certified check, money order, or cash prior to reinstatement pursuant to statute, 59 O.S. §567.8.J.1. and 2, and §485:10-11-2(d) of the Rules promulgated by the Board.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of this Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this Order shall not be effective until the fully executed Order is received in the Board office.

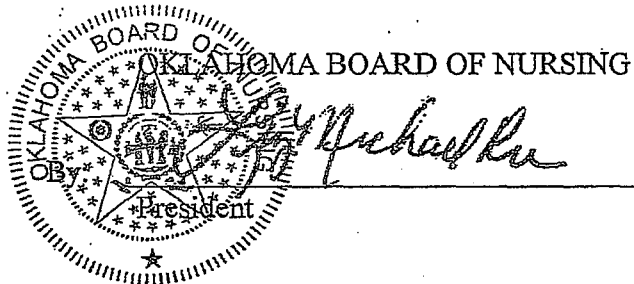
IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.



Respondent

Approved and ordered this 27th day of September, 2011.



MP:tj